

OF COUNSEL:
DAVIS LEVIN LIVINGSTON

STANLEY E. LEVIN 1152-0
MICHAEL K. LIVINGSTON 4161-0
ANNE L. WILLIAMS 1662-0
851 Fort Street Mall, Suite 400
Honolulu, Hawaii 96813
Telephone: (808) 524-7500
Fax: (808) 545-7802

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

PATRICIA N. and GUY N.,
individually and on behalf of their
minor daughter, AMBER N.,

Plaintiffs,

vs.

PATRICIA HAMAMOTO, in her
official capacity as Superintendent of
the Hawaii Department of Education;
DEPARTMENT OF EDUCATION,
STATE OF HAWAII,

Defendants.

CIVIL No. CV00-00252 MLR/LEK
(Other Civil Action)

PLAINTIFFS' MOTION TO
CONTINUE: 1) DEFENDANTS'
MOTION TO DISMISS
PLAINTIFFS' FIRST AMENDED
COMPLAINT FILED JUNE 2, 2008,
FOR FAILURE TO EXHAUST
ADMINISTRATIVE REMEDIES;
AND 2) DEFENDANTS' MOTION
TO PRECLUDE THE TESTIMONY
OF BARBARA BATEMAN;
DECLARATION OF STANLEY E.
LEVIN; EXHIBITS "A" -- "C" AND
CERTIFICATE OF SERVICE

HEARING: September 11, 2008
TIME: 10:00 a.m.
JUDGE: MANUEL L. REAL

PLAINTIFFS' MOTION TO CONTINUE: 1) DEFENDANTS'
MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED
COMPLAINT FILED JUNE 2, 2008, FOR FAILURE TO EXHAUST
ADMINISTRATIVE REMEDIES; AND 2) DEFENDANTS' MOTION
TO PRECLUDE THE TESTIMONY OF BARBARA BATEMAN

Plaintiffs, above-named, hereby move this Court to continue: 1) Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint, Filed June 2, 2008, for Failure to Exhaust Administrative Remedies; and 2) Defendants' Motion to Preclude the Testimony of Barbara Bateman currently scheduled for September 11, 2008 at 10:00 a.m. The grounds for this motion are that the lead attorney, Michael Livingston, has suffered severe complications over a serious leg injury he had earlier this year. In any event, Mr. Livingston will not physically be in Hawaii on the date of the scheduled hearing. Attorney Stanley E. Levin cannot argue the motions as he suffers from Parkinson's disease. Plaintiffs need to move the hearing until mid-October.

This motion is authorized by Rule 7 of the Federal Rules of Civil Procedure and the declarations attached hereto.

DATED: Honolulu, Hawaii, August 28, 2008.

/S/ STANLEY E. LEVIN

STANLEY E. LEVIN
MICHAEL K. LIVINGSTON
ANNE L. WILLIAMS
Attorneys for Plaintiffs